

EXHIBIT 133

In the Matter Of:

UNITED STATES OF AMERICA v

GOOGLE, LLC

SUSAN SCHIEKOFER

September 26, 2023



1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

4
5 UNITED STATES OF AMERICA,)
et al,)
6)
Plaintiffs,)
7) Case No.
-vs-) 1:23-cv-00108-LMB-
8) JFA
GOOGLE, LLC,)
9)
Defendant.)
10)

11
12 ** HIGHLY CONFIDENTIAL **
13

14
15 VIDEO RECORDED 30(b)(6) EXAMINATION

16 OF: GROUPM

17 BY: SUSAN SCHIEKOFER

18
19 TAKEN ON
20 TUESDAY, SEPTEMBER 26, 2023
21
22

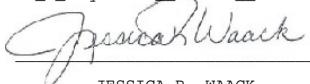
CERTIFIED STENOGRAPHER:

JESSIE WAACK, RDR, CRR, CCRR, NYRCR, NYACR,
CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)
CCR-WA (No. 21007264), CSR-CA (No. 14420),
REALTIME SYSTEMS ADMINISTRATOR
JOB NO.: 912924

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1	INDEX TO EXHIBITS		1	*****
2	WITNESS: SUSAN SCHIEKOFER		2	PROCEEDINGS
3	Tuesday, September 26, 2023		3	September 26, 2023, 9:58 a.m.
4	MARKED	DESCRIPTION	4	New York, New York
5	Exhibit 1	Fair Disclosure wire dated	5	*****
6		September 29, 2014	6	THE VIDEOGRAPHER: We are now on
7	Exhibit 2	Email chain ending on	7	the record, and the time is 9:58 a.m.
8		August 1, 2018;	8	This is the video recorded
9		NAVY-ADS-0000335396	9	deposition of Susan Schiekofer in the
10	Exhibit 3	Email chain ending on	10	matter United States, et al., vs.
11		September 12, 2018;	11	Google LLC.
12		NAVY-ADS-0000349092	12	Today's date is Tuesday,
13	Exhibit 4	Subpart 16.5 -	13	September the 26th, 2023.
14		Indefinite-Delivery Contracts	14	My name is Lem Lattimer, and the
15	Exhibit 5	"U.S. Media Landscape Q2 2021	15	court reporter is Jessica Waack. We
16		For Internal Use Only"; GROUPM	16	are both in association with Lexitas
17		226	17	Legal.
18	Exhibit 6	"Programmatic 201";	18	All appearances are noted on the
19		GROUPM00000350	19	record.
20	Exhibit 7	Census award contract;	20	Will the court reporter please
21		CENSUS-ADS-00000273284	21	swear in the witness.
22			22	/
23			23	/
24			24	/
25			25	/
			Page 7	Page 9
1	INDEX TO EXHIBITS		1	*****
2	WITNESS: SUSAN SCHIEKOFER		2	SUSAN SCHIEKOFER, sworn
3	Tuesday, September 26, 2023		3	on oath and/or affirmed, called as a
4	MARKED	DESCRIPTION	4	witness herein, was examined and testified
5	Exhibit 8	Email chain ending on July 6,	5	as follows:
6		2023; DOJ-ADS-0000096800	6	*****
7			7	EXAMINATION
8	** All exhibits were attached to the		8	BY MR. VERNON:
9	original transcript **		9	Q. Good morning.
10			10	A. Good morning.
11	---oo---		11	Q. So my name is Jeff Vernon. I'll
12			12	be taking your deposition for the United
13			13	States.
14			14	Will you start by just stating
15			15	and spelling your name for the record.
16			16	A. Susan Schiekofer. S-u-s-a-n,
17			17	S-c-h-i-e-k-o-f-e-r.
18			18	Q. Have you ever been deposed
19			19	before?
20			20	A. No.
21			21	Q. So let me just give you a couple
22			22	guidelines to help make the court reporter
23			23	process go smoothly.
24			24	So do your best to answer audibly
25			25	as opposed to with gestures or uh-huh or

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1 MR. HUNSMERGER: Object to form. 2 THE WITNESS: That's hard for me 3 to answer because I would say that's on 4 an individual client basis. 5 BY MR. VERNON: 6 Q. Okay. Are there some clients for 7 which buying display ads through an 8 exchange would be your recommended best 9 option? 10 MR. HUNSMERGER: Object to form. 11 THE WITNESS: For some clients. 12 BY MR. VERNON: 13 Q. And then so why -- why would you 14 recommend for some clients that buying 15 through -- buying display through an 16 exchange would be the best option? 17 MR. HUNSMERGER: Object to form. 18 THE WITNESS: It's back to being 19 able to deliver audiences at scale, at 20 a cheap CPM. And if we apply, which 21 most of our clients want us to apply 22 what we call our inclusion list, then 23 it allows us to build a variation of 24 that marketplace that's brand suitable 25 for us and for our clients at a very	1 THE WITNESS: So there's scale, 2 but not -- so are you talking about -- 3 what kind of video? Because there's, 4 like, different -- there's like linear 5 TV, there's CTV, there's online video, 6 there's social video. So, like, if you 7 could clarify. 8 BY MR. VERNON: 9 Q. Let's start with premium video, 10 meaning CTV. 11 A. Uh-huh. 12 Q. Does CTV have the same value 13 proposition of creating large audiences at 14 scale for cheap CPMs that buying a display 15 through exchanges has? 16 MR. HUNSMERGER: Object to form. 17 MS. KLAUSNER: Objection to the 18 form. 19 THE WITNESS: So CTV is really -- 20 I mean, yes, right, there's scale. Not 21 as much scale as you can -- like, 22 display is basically available on any 23 website in the world, but video is not. 24 CTV, it's just a smaller 25 audience, right? CTV is the ads that
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1 cheap CPM. 2 And we're able to optimize. I 3 mean, that's the other thing. If we 4 were in platform and if we have an 5 offer, let's say Dell computers, and we 6 see that, you know, we're on an 7 exchange and the exchange is bringing 8 in leads, you know, two times better 9 than another exchange -- usually it's 10 not just one exchange. Usually you're 11 buying several exchanges within 12 platform. 13 And if you see that one exchange 14 is performing better in terms of 15 generating either clicks, views, leads, 16 sales, you're going to optimize toward 17 that inventory. 18 BY MR. VERNON: 19 Q. Does buying premium video ads 20 have the same value proposition of creating 21 an audience at scale with cheap CPMs that 22 buying display through an exchange has? 23 MR. HUNSMERGER: Object to form. 24 MS. KLAUSNER: Objection to the 25 form.	1 come through your connected television, 2 right? So that's just a smaller 3 universe. There's just less places to 4 advertise CTV. 5 It depends on also the property. 6 You know, some obviously have more 7 scale than others. And the CPMs -- 8 video CPMs are higher than display 9 CPMs. 10 So they don't -- they don't 11 equate CPM-wise, but the reason we do 12 so much video is just it's an impactful 13 ad format, you know, for brand recall, 14 building a brand. 15 BY MR. VERNON: 16 Q. One of the things I think you 17 said a minute ago was if you see one 18 exchange perform better than another, you 19 optimize towards the better performing 20 exchange -- 21 A. Uh-huh. 22 Q. -- did I get that right? 23 A. Uh-huh. 24 MS. KLAUSNER: Objection to the 25 form.

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<p>1 MR. HUNSMERGER: Object to form.</p> <p>2 BY MR. VERNON:</p> <p>3 Q. What do you mean by that?</p> <p>4 A. Within a DSP, you have the</p> <p>5 ability to buy lots and lots of exchanges.</p> <p>6 So an exchange could be -- it could be AdX.</p> <p>7 It could be Magnite. It could be PubMatic.</p> <p>8 It could be Yieldmo. And there's, like a</p> <p>9 -- OpenX. There's like spot -- like</p> <p>10 there's just a ton of exchanges. There's a</p> <p>11 lot of people who have built exchanges.</p> <p>12 What we do and what my team at</p> <p>13 the center does is to evaluate. Like, it</p> <p>14 -- because we don't want to just buy the</p> <p>15 same exchanges over and over against the</p> <p>16 same audiences, because then you're just</p> <p>17 gonna bombard the consumer with ads, like</p> <p>18 the same ads, and that's usually a</p> <p>19 negative. So you want to make sure that</p> <p>20 it's controlled.</p> <p>21 So what our team does is to take</p> <p>22 a look at inventory, is it unique, is it</p> <p>23 quality, is it differentiating from another</p> <p>24 exchange.</p> <p>25 So we tend to have, you know, a</p>	<p>1 work with that, like, they have a unique</p> <p>2 data set around health, health sites.</p> <p>3 So if we want -- if we're</p> <p>4 introducing, you know, a new healthcare</p> <p>5 product, they would be a good one.</p> <p>6 So, like, that goes into the mix</p> <p>7 too. Like, some exchanges are better at</p> <p>8 video, some are better at display. You</p> <p>9 know, so that will weigh into what we</p> <p>10 consider preferred, but it's up to the</p> <p>11 individual trader in platform to activate</p> <p>12 and to look at the results.</p> <p>13 Again, back to, like, is it</p> <p>14 delivering, whatever it is we want, whether</p> <p>15 it's a good cost per click, cost per view,</p> <p>16 lead sale. That's really individual and</p> <p>17 customized based on the performance of a</p> <p>18 particular campaign.</p> <p>19 Q. Can GroupM buyers use exchanges</p> <p>20 outside of the preferred exchange list?</p> <p>21 A. They can. We don't want them to.</p> <p>22 And, you know, we try -- again, I have a</p> <p>23 small team at the center. So we're</p> <p>24 influencing lots and lots of people.</p> <p>25 You could have somebody brand new</p>
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<p>1 small group of exchanges that we consider</p> <p>2 preferred. But I would say preferred is a</p> <p>3 loose term with exchanges because there's</p> <p>4 so much in them.</p> <p>5 They're not going to be as</p> <p>6 preferred and, say, like an NBC, but</p> <p>7 they're -- like, a preferred exchange,</p> <p>8 because we know -- they do a good job of,</p> <p>9 you know, vetting who's in the exchange,</p> <p>10 working with us in terms of applying our</p> <p>11 inclusion and exclusion lists.</p> <p>12 And, like, they're just companies</p> <p>13 that are developing tech and audiences, and</p> <p>14 they do a better job than others.</p> <p>15 Q. What are the preferred exchanges,</p> <p>16 at least that you remember?</p> <p>17 A. For us, we tend to work with ones</p> <p>18 that I mentioned: AdX, PubMatic, Magnite,</p> <p>19 Yieldmo, some smaller ones like AdTheorent.</p> <p>20 It's like --</p> <p>21 Q. Can you spell that last one?</p> <p>22 A. AdTheorent? A-d-T-h-e-o-r-a-n-t</p> <p>23 [as spoken]. Like -- and I'll use -- and</p> <p>24 they're not preferred, preferred, but</p> <p>25 they're a company that some of our clients</p>	<p>1 start who maybe their manager didn't say,</p> <p>2 you're not supposed to use any more than</p> <p>3 these four exchanges, and maybe they go to</p> <p>4 a fifth that we don't want to use but we</p> <p>5 track it. We see it that they're using it</p> <p>6 and we tell them that's not our preferred.</p> <p>7 On the other hand, maybe it</p> <p>8 performed really well and we'll take</p> <p>9 another look at it -- right? -- like, we're</p> <p>10 not draconian about it, but what we try to</p> <p>11 do is provide guidance.</p> <p>12 Q. Does your team try to encourage</p> <p>13 buyers within GroupM to use the preferred</p> <p>14 exchanges?</p> <p>15 A. Yes.</p> <p>16 MR. HUNSMERGER: Object to form.</p> <p>17 THE WITNESS: I'm sorry. Yes.</p> <p>18 BY MR. VERNON:</p> <p>19 Q. When your team encourages buyers</p> <p>20 within GroupM to use the preferred</p> <p>21 exchanges, do GroupM's buyers then use</p> <p>22 those exchanges more frequently instead of</p> <p>23 other exchanges?</p> <p>24 MR. HUNSMERGER: Object to form.</p> <p>25 THE WITNESS: Yeah.</p>

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1 this deposition today. We have no 2 further questions, so we just wanted to 3 say thank you, we appreciate it. 4 THE WITNESS: You're welcome. 5 MS. KLAUSNER: Great. 6 MR. HUNSDERGER: Thank you to the 7 witness and counsel. 8 MS. KLAUSNER: Thank you. 9 THE VIDEOGRAPHER: The time is 10 3:05 p.m. 11 We're off the record. 12 (Time noted: 3:05 p.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25	1 INSTRUCTIONS TO WITNESS 2 3 Please read your deposition over 4 carefully and make any necessary 5 corrections. You should state the reason 6 in the appropriate space on the errata 7 sheet for any corrections that are made. 8 After doing so, please sign the 9 errata sheet and date it. 10 You are signing same subject to 11 the changes you have noted on the errata 12 sheet, which will be attached to your 13 deposition. 14 It is imperative that you return 15 the original errata sheet to the deposing 16 attorney within thirty (30) days of 17 receipt of the deposition transcript by 18 you. If you fail to do so, the deposition 19 transcript may be deemed to be accurate 20 and may be used in court. 21 22 23 24 25
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1 REPORTER CERTIFICATE 2 I, the undersigned, do hereby certify: 3 That SUSAN SCHIEKOFER was by me duly 4 sworn in the within-entitled cause; that 5 said deposition was taken at the time and 6 place herein named; and that the deposition 7 is a true record of the witness's testimony 8 as reported by me, a disinterested person, 9 and thereafter a total of 186 was 10 transcribed. 11 I further certify that I am not 12 interested in the outcome of the said 13 action, nor connected with, nor related to 14 any of the parties in said action, nor to 15 their respective counsel. 16 IN WITNESS WHEREOF, I have hereunto set 17 my hand this 26th day of September, 2023. 18 Signature: <u>X</u> _Requested <u>Waived</u> Not Requested  20 JESSICA R. WAACK 21 Registered Diplomate Reporter 22 Certified Realtime Reporter 23 California Certified Realtime Reporter 24 New York Realtime Court Reporter New York Association Court Reporter 25 Notary Public, State of New York CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958) CCR-WA (No. 21007264), CSR-CA (No. 14420)	1 DECLARATION UNDER PENALTY OF PERJURY 2 USA VS. GOOGLE 3 Date of Deposition: September 26, 2023 4 5 6 I, SUSAN SCHIEKOFER, hereby 7 certify under penalty of perjury under the 8 laws of the State of _____ that 9 the foregoing is true and correct. 10 11 Executed this _____ day of _____, 2023, 12 at _____. 13 14 15 _____ 16 SUSAN SCHIEKOFER 17 18 SUBSCRIBED AND SWORN BEFORE ME 19 THIS ____ DAY OF _____, 20_____ 20 _____ NOTARY PUBLIC 21 22 MY COMMISSION EXPIRES: _____ 23 24 25